

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CATHY CARTER,

Plaintiff,

V.

PAUL HOWARD, in his individual
and official capacity,

Defendant.

[illegible]

CIVIL ACTION NO.

1:20-cv-01674-TWT-JSA

PLAINTIFF'S MOTION TO STAY DISCOVERY

COMES NOW, Plaintiff Cathy Carter pursuant to Rule 6(b)(1)(a) of the Federal Rules of Civil Procedure and LR 26.2, N.D. Ga., to request that the Court stay proceedings in this matter pending its ruling on Plaintiff's Objections to the Magistrate Court Order. In support of her motion, Plaintiff presents the following to the Court:

1. The Parties have diligently engaged in discovery, including exchanging written discovery, scheduling depositions, and issuing third party subpoenas.
2. Plaintiff requested the position of Defendant but as of the filing of this motion has yet to receive a response.
3. Regarding subpoenas, Plaintiff is working to schedule Plaintiff's deposition in the next two weeks, Defendant's deposition in the next two weeks, and a

30(b)(6) deposition in the next two weeks. Further, Plaintiff intends to depose at least seven non-party deponents during the next three weeks. Regarding the 30(b)(6) deposition, Plaintiff asserts that the Parties will likely not be able to come to an agreement on topics until it is known which claims are being brought in the case. Without clarity regarding these claims, the issue would likely result in a motion seeking the Court's assistance on 30(b)(6) topics.

4. Plaintiff believes that, in light of the Magistrate's Order, the current posture of the case (prior to expending resources on depositions and additional discovery, as well as the potential for additional claims) is an appropriate time to pursue a potential resolution, and Plaintiff plans to continue to explore settlement options with Defendant. Should the Parties fail to reach a resolution of this matter during the stay, the Plaintiff will continue working diligently to respond to outstanding discovery and re-schedule depositions in the most efficient manner possible.
5. Finally, given the above, the Plaintiff recognizes that moving forward with the discovery will not be efficient given that Defendant will likely object to discovery, including depositions and subpoenas, that involve claims that are currently not part of this lawsuit. Moreover, if a claim is added after the depositions occur, there could be a need to re-open the depositions.

In sum, due to uncertainty as to whether the Magistrate Court decision will be set aside, allowing Plaintiff to add an additional count to her Complaint, that uncertainty raising questions as to the efficacy of moving forward with rescheduled depositions, and the substantial costs associated with deposing the number of witnesses, as well as the Defendant's witnesses, particularly related to a 30(b)(6) deposition, Plaintiff asserts that the discovery period should be stayed pending the Court's ruling on the Plaintiff's outstanding objection. Consequently, the Plaintiff respectfully requests that the Court grant the instant Joint Motion and stay discovery pending the Court's ruling on Plaintiff's Objections to the Magistrate Court's Order.

A proposed order is attached hereto for the Court's convenience.

This 13th day of January, 2022.

/s/ Mario B. Williams
Mario B. Williams (Ga # 235254)

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CERTIFICATE OF SERVICE AND COMPLIANCE

I hereby certify that on the 10th day of January 2022, the foregoing **Motion to Stay Discovery**, which was prepared using Times New Roman 14-point font in accordance with Local Rule 7.1D, was filed with the Clerk of Court using the CM/ECF system, which will automatically send electronic mail notification of such filing to all counsel of record in this matter.

This 13th day of January 2022.

/s/ Mario B. Williams

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